



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,365	09/29/2000	Arnold N. Blinn	MSFT-0208/150665.1	2197

7590

07/12/2004

STEVEN B. SAMUELS
WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP
46th Floor
One Liberty Place
Philadelphia, PA 19103

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT

PAPER NUMBER

2175

14

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,365

Applicant(s)

BLINN ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 13-24 and 32-49 is/are rejected.
- 7) ☒ Claim(s) 6-12, and 25-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The amendment filed on April 22, 2004 has been received and entered. Claims 1-49 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 13-23, 32-39, and 41-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (U.S. Patent No. 6,418,441) in view of Lucas (U.S. Pub. No. 2001/0051905 A1).

As to claim 1, Call discloses a method comprising:

- (a) hosting, on a server (See column 27, lines 55-67), a database of specification data of products of a plurality of different manufacturers (See column 27, lines 36-51),
- (c) providing an interface for use by product manufacturers for entry of new product specification data into the database and for modifying existing product specification data in the database (See column 27, lines 1-13, also see column 12, lines 57-67, and column 13, lines 1-3), the interface requiring each manufacturer to use a same schema when entering or modifying

product specification data in a particular product class (See column 25, lines 1-36, wherein “same” reads on “universal”); and

(d) in exchange for remuneration from a given manufacturer, providing that manufacturer with access to the interface and to its respective product specification data in the database for use outside of the database (See column 31, lines 49-60, wherein “external” reads on “Internet”, also see column 26, lines 36-67, wherein “remuneration” reads on “credit card number”, and wherein “interface” reads on “web browser”).

Call does not teach the product specification data in the database being arranged in predefined product classes; (b) defining, for each product class, a schema for the entry of specification data of products in that product class.

Lucas teaches the product specification data in the database being arranged in predefined product classes (See page 3, paragraph 0040, also see page 5, paragraph 0074-0076, also see page 16, paragraph 0116);

(b) defining, for each product class, a schema for the entry of specification data of products in that product class (See page 3, paragraphs 0041-0050).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Call to include the product specification data in the database being arranged in predefined product classes; (b) defining, for each product class, a schema for the entry of specification data of products in that product class.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Call by the teaching of Walker et al. to include the product specification data in the database being arranged in predefined product classes; (b) defining, for

each product class, a schema for the entry of specification data of products in that product class because it allows for business-to-business resell of resell products or equipment thereby maximizing utility and maximizing profit.

As to claim 2, Call discloses wherein (d) comprises permitting the manufacturer to query product specification data from the database (See column 32, lines 51-65, wherein “query” reads on “search”, also see column 33, lines 1-10, wherein “data from the database” reads on “indexing services... locate”).

As to claim 3, Call discloses wherein (d) comprises providing a manufacturer with a link to a Web page generated on behalf of the manufacturer that contains product specification data requested by the manufacturer (See column 32, lines 27-50, wherein “link” reads on “URL”).

As to claims 5, 22, and 38, Call discloses wherein (d) comprises exporting product specification data to a manufacturer in one of an Excel spreadsheet format (XLS), an Extensible Markup Language (XML) format (See column 32, lines 6-15, also see column 23, lines 24-32), and a CSV format.

As to claims 13, 18, and 34, Call discloses wherein (c) comprises permitting each manufacturer to add and edit the product specification data for a single product in the database (See column 12, lines 17-30, also see column 12, lines 57-67, and column 13, lines 1-3).

As to claims 14, 19, and 35, Call discloses wherein (c) comprises permitting a manufacturer to add or edit the product specification data for multiple products in a single data feed (See column 24, lines 50-65).

As to claims 15, 20, and 36, Call discloses wherein (c) further comprises accepting the product specification data for multiple products in the single data field in one of all Excel spreadsheet format (XLS), an Extensible Markup Language (XML) format (See column 28, lines 27-41), and a CSV format.

As to claims 16, and 32, Call discloses a computer-readable medium having computer-executable instructions stored thereon comprising component that form a system for enabling an entity to serve as an application service provider with respect to product specification data of a plurality of manufacturers (See column 31, lines 62-67, and column 32, lines 1-5, wherein “application service provider “ reads on “view product information... via a shared product information server”), the components comprising:

a database of specifications of products of the plurality of different manufacturers (See column 27, lines 36-51); and

an interface for use by the plurality of manufacturers (See column 27, lines 1-13, also see column 12, lines 57-67, and column 13, lines 1-3), the interface requiring each manufacturer to use the defined schema for a given product class when entering product specification data for products in that class (See column 25, lines 1-36, wherein “when entering” reads on “universal”),

the interface further permitting each manufacturer that provides remuneration to the entity to access its respective product specification data in the database for use outside of the database (See column 31, lines 49-60, wherein “external” reads on “Internet”, also see column 26, lines 36-67, wherein “remuneration” reads on “credit card number”, and wherein “interface” reads on “web browser”).

Call does not teach the product specifications in the database being arranged in predefined product classes; and for the entry of specifications of products in a given product class, there being defined, for each product class, a schema for the entry of specifications of products in that product class.

Lucas teaches the product specifications in the database being arranged in predefined product classes (See page 3, paragraph 0040, also see page 5, paragraph 0074-0076, also see page 16, paragraph 0116); and for the entry of specifications of products in a given product class, there being defined, for each product class, a schema for the entry of specifications of products in that product class (See page 3, paragraphs 0041-0050).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Call to include the product specifications in the database being arranged in predefined product classes; and for the entry of specifications of products in a given product class, there being defined, for each product class, a schema for the entry of specifications of products in that product class.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Call by the teaching of Walker et al. to include the product specifications in the database being arranged in predefined product classes; and for the entry of

specifications of products in a given product class, there being defined, for each product class, a schema for the entry of specifications of products in that product class because it allows for business-to-business resell of resell products or equipment thereby maximizing utility and maximizing profit.

As to claim 17, Call discloses wherein the interface (See column 34, lines 51-61, wherein “interface” reads on “web browser”) further comprises a component that a manufacturer can use to search for and list product specification data stored in the database for its products (See column 9, lines 20-36).

As to claims 21, and 37, Call discloses the interface permits a manufacturer (See column 6, lines 1-28, wherein “permits” reads on “password”) to query product specification data from the database for use outside of the database (See column 8, lines 41-51).

As to claims 23, and 39, Call discloses wherein the interface component is capable of providing the manufacturer with a link to a Web page generated on behalf of a manufacturer that contains product specification data from the database (See column 8, lines 55-67, also see column 2, lines 30-39).

As to claim 33, Call discloses wherein the interface component further comprises a component that a manufacturer can use to search for and list product specification data stored in the database for its products (See column 27, lines 26-35, also see column 33, lines 1-16).

As to claims 41, 44, and 47, Call discloses wherein the remuneration is in the form of permission (See column 6, lines 1-28, wherein “permits” reads on “password”) from the manufacturer to use the product specification data in connection with another method (See column 21, lines 24-39, also see column 13, lines 47-61).

As to claims 42, 45, and 48, Call discloses wherein said use of the product specification data in connection with another method comprises using the product specification data in connection with product offers hosted by an online shopping Web site (See column 30, lines 52-65, also see column 24, lines 57-65).

As to claims 43, 46, and 49, Call discloses wherein the interface operates to pull product specification data from a manufacturer and to format it in accordance with a respective product class schema (See column 25, lines 37-60).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (U.S. Patent No. 6,418,441) in view of Lucas (U.S. Pub. No. 2001/0051905 A1) as applied to

claim 1-3, 5, 13-23, 32-39, and 41-49 above, and further in view of Walker et al. (U.S. Patent No. 6,405,174).

As to claim 4, Call as modified still does not teach wherein (d) further comprises partnering with the manufacturer to permit the generated Web page to be co-branded.

Walker et al. discloses wherein (d) further comprises partnering with the manufacturer to permit the generated Web page to be co-branded (See Walker et al. column 3, lines 18-27, wherein “manufacturer” reads on “merchant”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Call as modified to include wherein (d) further comprises partnering with the manufacturer to permit the generated Web page to be co-branded.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Call as modified by the teaching of Walker et al. to include wherein (d) further comprises partnering with the manufacturer to permit the generated Web page to be co-branded because it always for partnership in business across the globe thereby reducing business costs.

As to claims 24, and 40, Call as modified still does not teach wherein the Web page is co-branded by both the manufacturer and the entity that operates the system.

Walker et al. discloses wherein the Web page is co-branded by both the manufacturer and the entity that operates the system (See Walker et al. column 3, lines 18-27, wherein “manufacturer” reads on “merchant”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Call as modified to include wherein the Web page is co-branded by both the manufacturer and the entity that operates the system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Call as modified by the teaching of Walker et al. to include wherein the Web page is co-branded by both the manufacturer and the entity that operates the system because it provides for a way to increase revenues for both sides and allowing for greater exposure in business.

Allowable Subject Matter

6. Claims 6-12, and 25-31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for allowable subject matter:

The prior art of record (Call -U.S. Patent No. 6,418,441, and Lucas -U.S. Pub. No. 2001/0051905 A1, and Walker et al. -U.S. Patent No. 6,405,174) do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim), (d) further comprises charging each manufacturer desiring to have access to the database a fee for such access, as claimed in dependent claims 6, and 25.

Claims 7-12, and 26-31 are objected to as allowable over the prior art made of record, because they are dependent from the objected to as allowable dependent claims 6, and 25.

Response to Arguments

8. Applicant's arguments filed on April 22, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that "Call does not teach or suggest the step (c) of providing an interface for use by the product manufacturers for entry of product specification data" is fully acknowledged by is not deemed to be persuasive.

The Examiner points to Call column 12, lines 57-67 and column 13, lines 1-3 to assert once more that "vendor" is broadly interpreted by the examiner to read on "manufacturer", a vendor is can be reseller or an manufacturer itself in the B2B set up that is taught by Call.

Referencing e-commerce to include a business entity is broadly interpreted to be of retailer, vendor or a manufacturer in the art. Merely, the specific use of the database and the definition of the data fields does not differentiate the fact that a manufacturer just like a vendor can indeed use the database disclosed by Call and the references in combination.

In response to applicant's argument that "Call does not teach or suggest the step (c) of providing an interface for use by the product manufacturers for entry of product specification

data. Instead the reference deals with the economic issues of a website owner and customer” is fully acknowledged by is not deemed to be persuasive.

The examiner refers to Call column 12, and column 13, in asserting that website or browser is indeed a user interface that allows for data access and retrieval as well as B2B e-commerce operations. The website owner can be broadly interpreted to be any business whether it's a manufacturer or retailer or simply a third party allowing the communication and interaction among user.

In response to applicant's argument that “Call does not teach or suggest full product specification. Call disclosed that the local database has only partial information that is derived from a manufacturer's product specification database” is fully acknowledged by is not deemed to be persuasive.

The Examiner refers to Call column 12 and 13 as discussed in the rejection above in asserting that accessing or storing partial data or full data are merely user defined and can be customized accordingly. Granting permission for partial data up-load or download is well known in the database art and is disclosed by Call.

In response to applicant's argument that “Call does not teach or suggest an exchange of remuneration from a given manufacturer; providing that manufacturer with access t the interface

and the respective product specification data” is fully acknowledged by is not deemed to be persuasive.

The Examiner refers to Call column 26 lines 36-67 as discussed in the rejection above asserts that Call in teaching having access and paying for purchase through a website constitutes a remuneration. If remuneration is done by a customer of the website that is broadly interpreted to include any customer conducting B2B business whether that customer is a retailer or a manufacturer or business. The user of the website in exchange for a fee is being taught by the combined reference as highlighted in the above rejection. Call teaches a reseller, according to the claimed invention a manufacturer has to be a fee to use a website, the examiner asserts that a manufacturer can be a reseller and therefore the limitation is disclosed in Call.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Call is combined with Lucas to teach the product specification data in the database being arranged in predefined product classes. The Examiner is establishing motivation in obviousness in the knowledge generally available to one of ordinary skill in the art, to modify the invention of Call with the teachings of Lucas as explained in the office action.

In response to applicant's argument that "the combination is not deemed to be credible because claim 1 does not involve any of the added teachings of the cited art to create the invention" is acknowledged by is not deemed to be persuasive.

The Examiner points out the combined cited out is teaching not only the limitation of the claim yet moves beyond in teaching more extended robust method in the art. The combination of the cited art is an optimization of the existing method broadly interpreted by the examiner from the claim language. Any addition that the cited reference teaches does not effect the basic premise the indeed the cited reference does teach the claimed limitation and still goes a step further.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

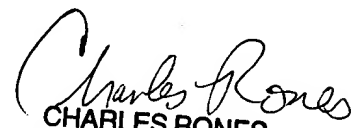
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
July 12, 2004


CHARLES RONES
PRIMARY EXAMINER